

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LINDA KNAPP, ET AL.,

Plaintiffs,

vs.

DAVID IGE, ET AL.

Defendants.

CIV. NO. 20-00537 JAO-WRP

FINDINGS AND
RECOMMENDATION TO DISMISS
THIS ACTION WITHOUT
PREJUDICE

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

Plaintiff filed this action on December 7, 2020. See ECF No. 1. On March 8, 2021, this Court issued a Deficiency Notice and Order Regarding Service of Defendants. See ECF No. 37. In that order, the Court gave notice to Plaintiffs that they must serve the Complaint on Defendants within 30 days and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See id. (citing Fed. R. Civ. P. 41(b), 4(m); In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001)).

Plaintiffs did not respond to the Deficiency Notice or file a return of service within the time allowed. Although Plaintiffs have been given more than

¹ Within fourteen days after a party is served with the Findings and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), a party may file written objections in the United States District Court. A party must file any objections within the fourteen-day period to preserve appellate review of the Findings and Recommendation.

four months to complete service, Plaintiffs have not effected service of the Complaint or Summons on Defendants as required under Rule 4 of the Federal Rules of Civil Procedure. Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rule of Civil Procedure.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, APRIL 22, 2021.



A handwritten signature in black ink, appearing to be "Wes Reber Porter", written over a horizontal line.

Wes Reber Porter
United States Magistrate Judge

**KNAPP, ET AL. v. IGE, ET AL.; CIVIL NO. 20-00537 JAO-WRP; FINDINGS
AND RECOMMENDATION TO DISMISS THIS ACTION WITHOUT
PREJUDICE**